

II. Prior Art Rejection

A. Rejection Under 35 U.S.C. §102(b)

In paragraphs (1)-(2) of the Office Action, claims 1-30 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by Fernandes, "Businesses have a chat," Business Journal-San Jose, v15 N9 p1, 06/30/97 (Fernandes). Applicants respectfully traverse this rejection.

B. The Claimed Subject Matter

Independent claims 1, 11, and 21 are generally directed to a method, apparatus and computer program carrier for providing co-browsing by users shopping over a computer network. The method comprises providing a network site offering items for sale, providing to a first user of the network site capability to inform the network site of interest in co-browsing with a second user, providing to the second user of the network site capability to inform the network site of interest in co-browsing with the first user, and providing a capability for communication between the interested first and second users while they continue to shop on the network site.

The cited reference does not teach nor suggest these various elements of Applicant's independent claims.

C. Differences Between The Cited Reference and The Claimed Invention

Fernandes merely discusses a program that allows for simultaneous browsing on different World Wide Web sites while having a conversation. However, Fernandes lacks any discussion about application of co-browsing to users shopping over a computer network, or about coordinating and combining the co-browsing with the experience of shopping at a network site. Fernandes makes no mention or suggestion of a shopping environment. Instead, Fernandes teaches away from Applicant's invention because it describes chat rooms for online communities and the move toward adding audio and video exchanges and toward developing an ability to share and collaborate on documents in the context of a meeting environment.

Moreover, the various elements of Applicant's claimed invention together provide operational advantages over Fernandes. In addition, Applicant's invention solves problems not recognized by Fernandes. As discussed at page 7 of the specification, Applicant's invention assists e-commerce vendors in attracting and retaining customers and brings the user's shopping experience closer to familiar, traditional shopping experiences. The invention offers the further advantages of allowing customers to exchange suggestions and recommendations while remaining anonymous and permitting customers to set conditions for engaging in co-browsing.

Thus, Applicant submits that independent claims 1, 11 and 21 are allowable over Fernandes. Further, dependent claims 2-10, 12-20, and 22-30 are submitted to be allowable over Fernandes in the same manner, because they are dependent on independent claims 1, 11, and 21, respectively, and thus contain all the limitations of the independent claims. In addition, dependent claims 2-10, 12-20, and 22-30 recite additional novel elements not shown by Fernandes.

For example, Fernandes does not teach or suggest providing the users with a window comprising a first pane that displays information relating to items for sale and a second pane that displays content of the communication between the first and second users. Nor does Fernandes teach or suggest a proxy server that protects identity of the users. Likewise, Fernandes does not teach or suggest the features of the remaining dependent claims, such as monitoring the browsing patterns of the users, providing users with the capability to inform the network site of subject matter of interest to the user, selecting the second user based on characteristics shared with the first user, notifying the second user of the shared characteristics, or providing a capability to inform the network site of conditions required for co-browsing.

III. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicant's undersigned attorney.

Respectfully submitted,

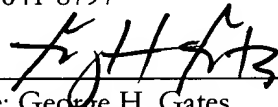
Neelakantan Sundaresan

By his attorneys,

GATES & COOPER LLP

Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, California 90045
(310) 641-8797

Date: October 3, 2001

By: 
Name: George H. Gates
Reg. No.: 33,500

GHG/KSC/sjm/dr

G&C 30879.73-US-01